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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 28 October 2004 from the Permanent Mission of Azerbaijan to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Azerbaijan to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to submit the national report of the Government of the Republic of Azerbaijan pursuant to resolution 1540 (2004) (see annex).

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Annex to the note verbale dated 28 October 2004 from the Permanent Mission of Azerbaijan to the United Nations addressed to the Chairman of the Committee

[Original: Russian]

Report of the Republic of Azerbaijan submitted pursuant to Security Council resolution 1540 (2004)

"The Security Council ...

2. *Decides* also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them."

In the relevant reports (S/2001/1325, S/2002/1022, S/2003/1085), Azerbaijan provided the Counter-Terrorism Committee with information on its national laws and regulations on combating terrorism.

Articles 206.2-206.4 of the Criminal Code of Azerbaijan envisage criminal penalties in the form of 3 to 12 years' imprisonment for violating customs regulations and for the smuggling of radioactive and explosive substances and equipment, weapons, military hardware, nuclear, chemical, biological and other types of weapons of mass destruction, as well as materials and equipment used in the manufacture of such weapons.

Article 226 of the Criminal Code envisages penalties for illegal handling of radioactive materials, their acquisition, storage, use, sale and transfer. Article 227 concerns the theft or extortion of radioactive materials.

Articles 228-332 and 250 establish criminal liability for the illegal acquisition, manufacture, sale, transfer, storage and transport, as well as negligent handling of weapons, ammunition, explosive substances and devices.

Under Presidential Decree No. 637 of 4 October 1997 on establishing a list of activities requiring special authorization (licensing), the manufacture and repair of war materiel, including all types of weapons and ammunition, military equipment and components, are carried out on the basis of licences issued by the Ministry of Defence.

"The Security Council ...

3. *Decides also* that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate control over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures;

(c) Develop and maintain appropriate border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations."

Questions of control over radioactive materials and equipment are regulated by a number of legal and regulatory provisions. Thus, under Cabinet of Ministers Decree No. 42 of 12 April 2004 on the issuance of special permits, the State Committee for the Control of Security in Industry and Mines, together with the law enforcement bodies, monitor the use, storage and protection of radioactive materials and equipment.

Questions associated with transactions involving weapons or radioactive materials are regulated by a Presidential Decree of 2 September 2002 establishing regulations on the issuance of licences for various types of activity, and by the list of activities requiring licences and of the executive bodies responsible for issuing them.

Under paragraph 7.1 of the regulations on import and export transactions in Azerbaijan, approved by Presidential Decree No. 609 of 24 June 1997 concerning the further liberalization of foreign trade in the Republic of Azerbaijan, the import and export of weapons and military materiel, and components necessary for their production, explosive substances, equipment and pyrotechnic devices, nuclear materials, technology, equipment and installations, special non-nuclear materials, and radioactive materials, including nuclear waste, are carried out exclusively on the basis of decisions of the Cabinet of Ministers.

Licences are issued in accordance with the following procedure: applications for a licence to export a particular type of product must be submitted to the Cabinet of Ministers, which in turn transmits them for verification to the relevant ministries and State structures. Generally these applications are checked by the Ministry of Defence, the Ministry of National Security, the Ministry of the Interior, the Ministry of Health, and the State Committee for Control of Security in Industry and Mines, the Ministry of the Environment and Natural Resources, the Academy of Sciences, research institutes and other State institutions. A licence may be issued by the Cabinet of Ministers only after receiving a positive response from those bodies.

A weapon of any kind may be imported into Azerbaijan only if the supplier is a State organization authorized to conduct such transactions. Weapons may be imported by enterprises authorized to manufacture, sell or acquire them only after they have been certified and the relevant information has been entered into the

Register. Imported weapons and ammunition must bear a stamp and must be marked in accordance with the relevant standards. Any kind of weapon produced in Azerbaijan, or imported into the Republic, must be certified. If there is no agreement with the manufacturing State on reciprocal recognition of certification, weapons imported into Azerbaijan must be certified on the basis of an application submitted by the manufacturer of the imported weapon.

The State Centre for Standardization and Metrology issues certificates showing that the certification requirements for weapons have been met. The certificate grants the right to conduct legitimate weapons transactions in Azerbaijani territory.

The transport of service or civilian weapons or ammunition by individuals across the customs borders requires the authorization of the competent bodies in accordance with the Act on service and civilian weapons and the Regulations on the import and export of service and civilian weapons into and from Azerbaijan. The Cabinet of Ministers, together with the Ministry of the Interior, thoroughly studies each such request before granting authorization.

In addition, the State Customs Committee and the State Border Service carry out a variety of measures to combat illegal trafficking in weapons of mass destruction and monitor the non-proliferation of nuclear weapons.

At the present time the *Milli Mejhlis* (Parliament) of Azerbaijan is reviewing a draft export control law. At the time of the submission of this report, the draft law had been approved in its third reading.

"*The Security Council* ...

6. *Recognizes* the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists."

Azerbaijan does not produce, store, import or export nuclear, chemical, bacteriological or any other weapons of mass destruction.

All weapons in Azerbaijan are registered in the national Register (see above).

"*The Security Council* ...

8. *Calls upon* all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxic Weapons Convention, as important means of pursuing and achieving their common objectives in the area of

non-proliferation and of promoting international cooperation for peaceful purposes;

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws."

In the sphere of control over weapons of mass destruction, Azerbaijan is a party to the following international legal instruments and agreements:

- Treaty on the Non-Proliferation of Nuclear Weapons, of 1968 (Act of the Republic of Azerbaijan No. 254 of 4 August 1992);
- Agreement between the Republic of Azerbaijan and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons and the Additional Protocol thereto, signed at Vienna on 6 November 1998 (Act No. 629-10 of 23 March 1999);
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, of 1992 (Act No. 735-10 of 9 November 1999);
- Comprehensive Nuclear-Test-Ban Treaty (1996) (Act No. 551-10 of 1 December 1998);
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxic Weapons and on Their Destruction, of 1972 (Act No. 532-11 of 5 December 2003).

Among the national acts, the following instruments should be noted:

- State Act of the Republic of Azerbaijan of 30 December 1997 on radiation security of the population.
- Decree of the Cabinet of Ministers of 11 July 1997 on measures to strengthen the monitoring of radiation security in the territory of Azerbaijan;
- Decree of the Cabinet of Ministers of 10 March 1998 on licensing regulations for explosive substances and equipment, radioactive and ionizing sources, the use of equipment and industrial storage.

Azerbaijan is cooperating closely with IAEA and in the course of talks between Azerbaijan and the Agency agreement was reached on undertaking four projects in the framework of the Technical Cooperation Programme for 2003-2004:

1. Project on issues of controlling illicit trafficking in nuclear materials;
2. Project on improving methods for radiological treatment in the field of oncology;
3. Project on radiation monitoring issues;
4. Project on including Azerbaijan in the information system for the peaceful use of nuclear energy.

On 26-30 November 2002, with the support and participation of IAEA and within the framework of a project on training in the physical protection of nuclear materials, the first national training courses on the subject of controlling illicit trafficking in nuclear and radioactive materials were held.

In the framework of cooperation with IAEA, the customs posts in the town of Astara and at the ferry crossing (in Baku) are being fitted out with modern equipment. Azerbaijan has received the appropriate radiation monitoring devices.

A seminar on the implementation of the Comprehensive Nuclear-Test-Ban Treaty and the development of national potential in this sphere, held from 4-6 June 2002 in Baku with the participation of representatives from various State structures (Cabinet of Ministers, Ministry of Foreign Affairs, Ministry of National Security, Ministry of Defence, Ministry of Communications, Ministry of Justice and Academy of Sciences), was an important step in strengthening relations with the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO).

An international seminar for the countries of Central Asia and the Caucasus was held from 25-27 March 2003 in Baku with the support of CTBTO. The aim of the seminar was to facilitate the process of ratification of the Comprehensive Nuclear-Test-Ban Treaty in the parliaments of countries that were signatories to the Treaty, and also to help participating countries carry out their obligations arising from the Treaty.

"The Security Council ...

9. *Calls upon* all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery."

Azerbaijan supports the idea of arms control and disarmament as the key element for further strengthening the international security system. Azerbaijan's fundamental position on the issue of weapons of mass destruction is one of consistent support for a complete and comprehensive ban.

Despite the absence of nuclear weapons, facilities and materials in Azerbaijan, cooperation with the appropriate international organizations and structures is of great interest to the Republic. The presence of nuclear technology in the South Caucasus region gives rise to the need for continuous monitoring of the situation in view of the threats of proliferation of these technologies.

Azerbaijan attaches great importance to the Treaty on the Non-Proliferation of Nuclear Weapons. As mentioned above, Azerbaijan ratified the Treaty and actively supported its unlimited extension in 1995. In order to participate actively in the overall nuclear security process, and sharing the concern of the international community, Azerbaijan was one of the first to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty and at the present time it is developing its activities in the framework of that Treaty.

"The Security Council ...

10. Further to counter that threat, *calls upon* all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials."

Azerbaijan, which believes that a total ban on nuclear weapons is the ultimate aim of nuclear disarmament, advocates the reduction of nuclear arsenals, and prevention of the proliferation of weapons of mass destruction, their means of

delivery and nuclear technologies. In view of its location in an unstable region, Azerbaijan is taking all necessary measures, including establishing the necessary legislative base, for preventing the proliferation through its territory of components of weapons of mass destruction, nuclear technologies and materials, and means of delivery.

At the present time Azerbaijan is working to upgrade and improve the radiation infrastructure and harmonize its national legislation with international standards.

One of the components of Azerbaijan's long-term strategy in the area of nuclear security is the establishment of a non-nuclear zone in the Southern Caucasus. Given that the Southern Caucasus is a particularly sensitive zone from the point of view of nuclear security, at a conference organized in September 1997 in Tashkent entitled "Central Asia — a nuclear-weapon-free zone" Azerbaijan put forward a proposal to create a non-nuclear zone in the Southern Caucasus. The establishment of such a zone would make an important contribution to strengthening security at the regional and international levels.

Unfortunately, the conflict with neighbouring Armenia, which has continued for over 30 years, is a serious problem for Azerbaijan in relation to control of weapons of mass destruction and their components. As a result of the conflict, a significant portion of Azerbaijan's territory is under occupation. Illegal economic activities and illicit trafficking in narcotics and weapons are taking place in the occupied territories. It is precisely unresolved regional conflicts, and territories beyond the control of central governments which have appeared as a result of such conflicts, that constitute breeding grounds for terrorism and illicit narcotics and weapons trafficking. The settlement of conflicts on the basis of strict observance of the principles and norms of international law, in particular of territorial integrity and State sovereignty, will restore these zones of instability into areas where the rule of law prevails, thereby allowing for the operation of an effective system of monitoring of non-proliferation.